Gordon v. Impulse Marketing Group Inc Doc. 109 Att. 1

"Douglas E. McKinley, Jr." <doug@mckinleylaw.com>

10/13/2005 05:54 PM

To Peter Glantz <pglantz@kzrd.com>

cc feivey@3-cities.com

bcc

Subject Re: Rule 56.1 Statement of Facts

Mr. Glantz:

You told me you were going to call me at 12:00 my time. Instead, you called an hour later, when I was otherwise engaged.

My client has instructed me not to allow any further delay of our motion. Therefore, we respectfully decline your offer.

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Peter Glantz wrote

>Doug:
>
> Please be advised that Local Rule 56.1(a) provides, in pertinent
>part, that "any party filing a motion for summary judgment shall set forth
>separately from the memorandum of law, and in full, the specific facts
>relied upon in support of the motion. The specific facts shall be set
>forth in serial fashion and not in narrative form. (emphasis added).
>
> Plaintiff's Statement of Material Facts (the "Statement") violates
>Local Rule 56.1(a) because it: (1) was not filed in a serial fashion; (2)
>contains narrative; and (3) provides inappropriate argument and comments.
>
> Further, Gordon lacks standing to submit the Statement on behalf of
>the third-party defendants Bonnie Gordon, James S. Gordon, III, Jonathan
>Gordon, Jamila Gordon, Robert Pritchett and Emily Abbey ("Third-Party
>Defendants") because: (1) Gordon does not have a personal stake in the
>outcome of the third-party action; (2) there is no direct relationship
>between the factual claims asserted against Gordon and those brought
>against Third-Party Defendants; (3) Gordon cannot bind Third-Party
>Defendants to his representations, admissions and positions; and (4) the
>interests of Gordon and Third-Party Defendants may vary.
>
> In view of the foregoing, we respectfully request that you modify the
>Statement to comply with Local Rule 56.1(a).
>
> In this regard, we suggest that we enter into a stipulation to
>adjourn the following: (1) the deadline for responding to the Statement;
>(2) Third-Party Defendants' time to answer; and (3) the oral argument date
>scheduled on the motion to dismiss the amended counterclaims and
>Third-Party Amended Complaint.
>
> Should we fail to receive a revised Statement that complies with
>Local Rule 56.1, we will move to strike the Statement on the grounds that
>it contains legal conclusions, arguments and narrative.
>

Dockets.Justia.com

Please advise us accordingly.

>

>Regards,

>

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